

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- September 14, 1966

Appeal No. 8877 Protestant Episcopal Cathedral Foundation, appellant

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and carried Messrs. Scrivener not participating and McIntosh dissenting, the following Order was entered at the meeting of the Board on September 28, 1966.

EFFECTIVE DATE OF ORDER: October 12, 1966

ORDERED:

That the appeal be granted for permission to erect three (3) buildings connected by covered passageways, to be used in connection with two existing buildings as a private school known as Rosedale. It is proposed to house counselors, students and other school activities in the three new buildings at 3501 Newark Street, N.W.

From the record and evidence submitted at the hearing, the Board finds the following facts:

(1) On August 24, 1966, the date of the public hearing on BZA #8859 and the date originally set to hear this case #8877, the Chairman of the Board, Samuel Scrivener, Jr. disqualified himself from participating in the hearing or decision related to either appeal. The hearings proceeded with a four man Board, Arthur P. Davis presiding as Chairman.

(2) At the hearing on August 24, 1966 Mr. Davis announced that Appeal #8877 would be heard on September 14, 1966. On September 14, 1966 the Board heard testimony on Appeal No. 8877 and no further notice was given as provided in subsection 8203.9.

(3) The Board has considered the proposal subject of this appeal on two earlier occasions:

- (a) Appeal #8001 - granted December 22, 1964.
- (b) Appeal #8370 - granted September 28, 1965.

The Orders and records of the aforementioned appeals are made a part of this Order by reference.

(4) This appeal was filed to clarify the record particularly in regard to the notice to owners of private property within 100 feet of the premises subject of this appeal and appeal #8370.

(5) Appellants are seeking approval of the same use and site plan approved by the Board in Appeal #8370.

(6) There was considerable opposition and support of this appeal, however, for the most part, the facts, evidence and statements entered in the earlier appeals on this matter remain the same.

(7) For the first time, in this appeal, the opponents raised the question of whether dormitories could be permitted in an R-1 District. The Board asked counsel for the appellants and opposition to submit written briefs on this question. These statements were submitted and recorded as Exhibit No. 101 on behalf of the appellants and Exhibit No. 102 on behalf of the opponents.

OPINION:

In the Opinion of the Board a private school is a conditionally permitted use in an R-1 District and subsection 3101.63 relates to permitted uses whether they are permitted as a matter of right or conditionally. The Board is further of the opinion that dormitories are customarily an incidental or an integral part of a private preparatory school. Therefore, we conclude that the Board may include dormitories in any consideration or approval of a private school.

The Board also finds that the conditions in the neighborhood and the plans of the appellants have not changed since the Board's Order of September 28, 1965, that the school is not likely to become objectionable to adjoining or nearby property because of noise, traffic, number of students or other reasons and that there will be adequate parking on the site.

The Board's approval is subject to the development of the property in accordance with Plan B (Exhibit No. 98b) on file.